

108TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To implement the recommendations of the Federal Communications  
Commission report to the Congress regarding low power FM service.

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IN THE SENATE OF THE UNITED STATES

JUNE —, 2004

Mr. MCCAIN (for himself and Mr. LEAHY) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To implement the recommendations of the Federal Commu-  
nications Commission report to the Congress regarding  
low power FM service.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress makes the following findings:

5               (1) The passage of the Telecommunications Act  
6       of 1996 led to increased ownership consolidation in  
7       the radio industry.

8               (2) At a hearing before the Senate Committee  
9       on Commerce, Science, and Transportation, on June  
10      4, 2003, all 5 members of the Federal Communica-

1        tions Commission testified that there has been, in at  
2        least some local radio markets, too much consolida-  
3        tion.

4            (3) A commitment to localism—local oper-  
5        ations, local research, local management, locally-  
6        originated programming, local artists, and local news  
7        and events—would bolster radio listening.

8            (4) Local communities have sought to launch  
9        radio stations to meet their local needs. However,  
10       due to the scarce amount of spectrum available and  
11       the high cost of buying and running a large station,  
12       many local communities are unable to establish a  
13       radio station.

14           (5) In 2003, the average cost to acquire a com-  
15       mercial radio station was more than \$2.5 million  
16       dollars.

17           (6) In January, 2000, the Federal Communica-  
18       tions Commission authorized a new, affordable com-  
19       munity radio service called “low power FM” or  
20       “LPFM” to “enhance locally focused community-ori-  
21       ented radio broadcasting”.

22           (7) Through the creation of LPFM, the Com-  
23       mission sought to “create opportunities for new  
24       voices on the air waves and to allow local groups, in-  
25       cluding schools, churches and other community-

1 based organizations, to provide programming respon-  
2 sive to local community needs and interests”.

3 (8) The Commission made clear that the cre-  
4 ation of LPFM would not compromise the integrity  
5 of the FM radio band by stating, “We are com-  
6 mitted to creating a low power FM radio service  
7 only if it does not cause unacceptable interference to  
8 existing radio service.”.

9 (9) Small rural broadcasters were particularly  
10 concerned about a lengthy and costly interference  
11 complaint process. Therefore, in September, 2000,  
12 the Commission created a simple process to address  
13 interference complaints regarding LPFM stations on  
14 an expedited basis.

15 (10) In December, 2000, Congress delayed the  
16 full implementation of LPFM until an independent  
17 engineering study was completed and reviewed. This  
18 delay was due to some broadcasters’ concerns that  
19 LPFM service would cause interference in the FM  
20 band.

21 (11) The delay prevented millions of Americans  
22 from having a locally operated, community based  
23 radio station in their neighborhood.

24 (12) Approximately 300 LPFM stations were  
25 allowed to proceed despite the congressional action.

1       These stations are currently on the air and are run  
2       by local government agencies, groups promoting arts  
3       and education to immigrant and indigenous peoples,  
4       artists, schools, religious organizations, environ-  
5       mental groups, organizations promoting literacy, and  
6       many other civically-oriented organizations.

7           (13) After 2 years and the expenditure of  
8       \$2,193,343 in taxpayer dollars to conduct this  
9       study, the broadcasters' concerns were demonstrated  
10      to be unsubstantiated.

11   **SEC. 2. REPEAL OF PRIOR LAW.**

12       Section 632 of the Departments of Commerce, Jus-  
13      tice, and State, the Judiciary, and Related Agencies Ap-  
14      propriations Act, 2001, (Pub. Law 106-553; 114 Stat.  
15      2762A-111) is repealed.

16   **SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.**

17       The Federal Communications Commission shall mod-  
18      ify its rules to eliminate third-adjacent minimum distance  
19      separation requirements between—

20           (1) low-power FM stations; and

21           (2) full-service FM stations, FM translator sta-  
22      tions, and FM booster stations.

23   **SEC. 4. PROTECTION OF RADIO READING SERVICES.**

24       The Federal Communications Commission shall re-  
25      tain its rules that provide third-adjacent channel protec-

- 1 tion for full-power non-commercial FM stations that
- 2 broadcast radio reading services via a subcarrier frequency
- 3 from potential low-power FM station interference.

